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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/700,043   | 11/04/2003  | Derek Campbell       | 005127.00179        | 3120             |
| 22909  | 7590        | 09/19/2006           | EXAMINER            |                  |
| BANNER & WITCOFF, LTD.<br>1001 G STREET, N.W.<br>WASHINGTON, DC 20001-4597 |             |                      | MAI, TRI M          |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |

3727

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/700,043

Applicant(s)

CAMPBELL ET AL.

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 56-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 and 61-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/03/05, 11/09/04 TM.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3727

1. Claims 56-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Applicant elects without traverse.
2. Applicant is advised that should claim 3 be found allowable, claim 43 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Due to numerous claims in the present application. Applicant is required to make sure that no claims are to be found of substantial duplicate thereof.
3. Claims 56-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Applicants elects without traverse.
4. Claims 1, 4-11, 15-16, 20-28, 33, 34, and 36 are rejected under 35 U.S.C. 102 (e) as being anticipated by Cheng (6938762). Cheng '762 teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

Note the inner shaft coupled the upper and lower portions and the lower part of the shaft is curved (rounded).

Regarding claim 7, there is a reduced thickness at the joint.

5. Claims 1, 6, 8-11, 15, 16, 18, 20-25, 33, 34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng (6386362). Cheng '362 teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

Art Unit: 3727

6. Claims 1, 4, 6, 7, 8-11, 15-16, 18, 20-28, 33, 34, and 36 are rejected under 35

U.S.C. 102(e) as being anticipated by Te-Pin (6568527). Te-Pin teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

7. Claims 1, 4, 7, 8-11, 15-16, 18, 20-24, 25-27, 33, 34, and 36 are rejected under 35

U.S.C. 102(e) as being anticipated by Cheng (6564937). Cheng '937 teaches a golf bag having a base including a one-piece element that extend around the second of the body and forms a support surface and defining a flexion line defining two pivotable portions.

8. Claims 2-3, 29-30, 38-43, 46, and 47 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Cheng and Te-pin rejections as set forth in paragraphs 4-7, and further in view of Kang (2004/0200746) or Nelson (3941398). It would have been obvious for one of ordinary skill in the art to make the lower base segment from ethylvinylacetate foam to provide the desired material for the base.

Nelson similarly teaches the bag can be constructed of a foamed material (see abstract). It would have been obvious to one of ordinary skill in the art to make the base from a foamed material to provide an alternative material for the base. It would have been obvious to one of ordinary skill in the art to make the foam of Nelson from ethylvinylacetate as claimed.

9. Claims 12-14, 31-32, 35-37, 44, 45, and 48-55 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cheng and Te-pin rejections as set forth in paragraphs 4-8, and further in view of Hamamori (6648137) or Wen-Chien (6298988). It would have been obvious for one of ordinary skill in the art to provide wear elements made from rubber as taught by Hamamori or Wen-Chien, an alternative supporting means and or to keep the bag secured.

Art Unit: 3727

It would have been obvious to one of ordinary skill in the art to make the feet of Wen-Chien from rubber as claimed.

10. Claims 17-19, and 61-76 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cheng rejections, as set forth in paragraphs 4-9, and further in view of view of anyone of JP 198250( JP'250), Nevard (3866646), and Yoshida (6736264). It would have been obvious for one of ordinary skill in the art to provide a handle to enable one to handle the golf bag easily as taught by JP'250, or Nevard (3866646), or Yoshida.

Regarding claim 19, note that the bag and the tubular portions together forms the body as claimed and the tube extending into the material element as claimed to support a shaft of the material element, i.e., the bag.

Regarding claim 65, note the tube is attached to a collar. To the same degree as applicant claim, the tube is attached to a divider as claimed. To the degree it is argued otherwise, Official Notice is taken teaches that it is known in the art to provide divider in a collar. It would have been obvious to one of ordinary skill in the art to provide a divider in the collar of Miura to enable one to separate the clubs.

11. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Hamamori or Wen-Chien (6298988). It would have been obvious to one of ordinary skill in the art to provide the feet in the bags of Nelson to provide supporting means and or to keep the bag secured on the ground.

12. Claims 48, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nelson or Kang in view of Hamamori. It would have been obvious to one of ordinary skill in the

Art Unit: 3727

art to provide the feet in the bags of either Nelson or Kang to provide supporting means and or to keep the bag secured on the ground.

13. Claims 61, 62, and 65-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida. Yoshida teaches a bag, a support assembly 6, and a frame 34 that is separate from the support assembly.

14. Claims 68 is rejected under 35 U.S.C. 102(b) as being anticipated by Nevard (3866646), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Nevard in view of Dage (d374986). Nevard teaches a golf bag having a handle that have a handle and curved lower portion, i.e., the shaft is rounded.

To the degree it is argued that the carrier of Nevard is not a bag, It would have been obvious to one of ordinary skill in the art to provide the handle of Nevard in the bag of Dage to provide an alternative carrying device.

15. Claims 68-70 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (5314063). Lee teaches a body, a base, and a frame. Lee teaches a body with a base and a frame formed as a single shaft (col. 2, ln. 41) that extends between the first end and the second end of the bag include the first curved area (at portion 46), which can be grabbed as a handle as claimed.

Regarding claim 69, note the second curved area at 68 is within the body.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

Art Unit: 3727

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3727

